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RECEIVED and FILED by the  
NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS  
on this date of: 9-8-09

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE  
OF

DAVID T. HELLER, V.M.D.

TO PRACTICE VETERINARY  
MEDICINE IN THE STATE OF  
NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the State Board of Veterinary Medical Examiners ("Board") following the Board's review of a consumer complaint filed by Bridgett and Angelo Cordero on or about June 28, 2007, concerning the veterinary services rendered by the respondent, David T. Heller, D.V.M., to their eight (8) year old male Shepherd mix, "Kennedy." The Corderos alleged that Dr. Heller engaged in negligence, and failed to properly diagnose the dog's condition.

The Corderos presented Kennedy to Maple Shade Animal Hospital ("Maple Shade") on May 31, 2007, where he was seen by Michele Leso, D.V.M. Kennedy presented with a history of urinating blood, straining to urinate/defecate, vomiting, and not eating. During Dr. Leso's examination of Kennedy, she found the bladder to be sensitive upon palpation, and Kennedy urinated during the exam. Dr. Leso prescribed Cephalexin and ordered blood tests. On June 1, 2007 Dr. Heller called the Corderos, explained that Kennedy's blood tests showed a low platelet count, and advised that they wait to see if the medication caused any improvement. According to the complaint, that night Kennedy was urinating blood, straining to urinate, and not eating. The owners called Dr. Heller, on June 2, 2007, and explained that Kennedy looked worse and were told to bring him in for x-rays.

On June 4, 2007 Kennedy was admitted to Maple Shade for x-rays. Dr. Heller told the Corderos, and the medical records note, that the x-rays showed numerous bladder stones. There was no mention in the record or to the owners of urinary tract stones. Dr. Heller informed the Corderos that bladder stones were a concern, but that he wanted to wait to perform the surgery until Kennedy's platelet count returned to normal, and prescribed a course of sucralfate and prednisone for one week. The respondent did not recommend or perform a catheterization of the dog. According to the complaint, when the Corderos took Kennedy home the night of June 4,

2007, "a gush of blood" came from Kennedy's penis. The complaint states that this was the last time any fluid came from Kennedy.

Thereafter, Kennedy's condition continued to deteriorate. The Corderos maintain that they called Maple Shade three times on June 5, 2007 and told a receptionist that Kennedy was not eating, vomiting water, and not urinating. These messages were allegedly relayed to Dr. Heller, although he disputes this contention. Further, on June 5th, Dr. Heller spoke to the owners but maintains that they never mentioned Kennedy was having difficulty urinating. Dr. Heller spoke with the Corderos again in the afternoon and told them to bring Kennedy in for fluids. Once there, the Corderos were instructed on how to administer subcutaneous fluids and antibiotics to the dog. Dr. Heller again asserts that at no time did the Corderos mention that Kennedy was not urinating. The dog was not seen by Dr. Heller on this date.

The owners contend that again, on June 6, 2007, they called Maple Shade and spoke to a receptionist, explaining that Kennedy was still not urinating and was vomiting green fluid. Dr. Heller maintains that he never received this message and that none of his staff documented such a call. With Kennedy's condition worsening, the Corderos brought Kennedy to Mt. Laurel Animal Hospital ("Mt. Laurel") on the same day. There, following a second x-ray, the owners were advised that the dog's bladder had ruptured and they were referred to Veterinary Surgical and Diagnostic

Specialists ("V.S.D.S.") for emergency surgery. At V.S.D.S., Kennedy underwent surgery during which his bladder was repaired, necrotic tissue was removed, and fluids were drained. Kennedy stayed in the hospital approximately one week before being discharged.

The Board, following its review of the patient records and other relevant documents in this matter, has concluded that Dr. Heller engaged in repeated acts of negligence in his care and treatment of Kennedy, in violation of N.J.S.A. 45:1-21(d), in that he: 1) failed to properly read and interpret radiographs; 2) failed to catheterize a potentially blocked dog; and 3) administered to, and dispensed subcutaneous fluids and antibiotics for, a potentially obstructed patient. The Board's review of this matter found that, three days after the dog's initial presentation, radiographs and medical records indicated the presence of stones, patient vomiting and demonstrated obstructive urinary traits. The Board concludes that the respondent failed to act appropriately in the face of these symptoms of vomiting, questionable urination and anorexia.

The Board further concludes that Dr. Heller violated its patient record regulation by failing to identify the treating licensee on Kennedy's records, contrary to N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9(a), which requires identification of the treating licensee on patient records. The Board concludes that

these facts as detailed above establish a basis for disciplinary action.

It appearing that the respondent desires to resolve this matter without admissions and without recourse to further proceedings; and the respondent acknowledging and not contesting the findings of fact and conclusions of law made by the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare; and for good cause shown;

ACCORDINGLY, IT IS ON THIS 31<sup>st</sup> DAY  
OF JULY 2009, ORDERED that:

1. Dr. Heller is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22(b), in the aggregate amount of \$2,500.00 consisting of: 1) \$2,000.00 for engaging in repeated acts of negligence in violation of N.J.S.A. 45:1-21(d); and \$500.00 for record keeping violations, contrary to N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9. Payment for the civil penalty shall be submitted be made contemporaneously with the signing of this Order, by certified check or money order, made payable to the State Board of Veterinary Medical Examiners and shall be forwarded to Leslie G. Aronson, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101. Subsequent violations will subject respondent to enhanced penalties subject to N.J.S.A. 45:1-25.

In the alternative, the respondent may pay the civil penalty, totaling \$2,500.00 in equal installment payments of \$104.00 for a total twenty-three (23) months. The twenty-fourth (24th) and final payment will total \$108.00. The first payment shall be paid simultaneously with submission of this Order with subsequent payments due on the fifteenth of each month thereafter until the total amount is paid in full.

Any failure to make any installment payment within ten (10) days of the due date shall cause the entire remaining balance to become immediately due and payable without further notice. Further, failure to pay the penalty within the time period allotted above will result in the filing of a Certificate of Debt, including the applicable interest permitted by the New Jersey Court Rules, and may result in subsequent disciplinary proceedings before the Board for failure to comply with an Order of the Board.

2. Dr. Heller shall take and successfully complete, and provide the Board with proof of completion, a minimum of thirty (30) credit hours of Board approved courses of continuing education within six (6) months of the date of this Order. These credits shall consist of ten (10) credit hours in Radiology and twenty (20) credit hours in Internal Medicine. All continuing education courses taken by the respondent to fulfill this requirement shall be RACE approved and have no affiliation with or be sponsored by the Maple Shade Animal Hospital. Additionally, no continuing

education credits completed in compliance with this Consent Order may be used to satisfy the minimum continuing education requirements for any biennial renewal period.

3. Failure to comply with any of the provisions of this Consent Order or remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

By: Mark W. Logan VMD  
MARK W. LOGAN, V.M.D.  
President

I have read and understand  
the within Consent Order  
and agree to be bound by its  
terms. Consent is hereby  
given to the Board to enter  
this Order.

David T. Heller VMD  
DAVID T. HELLER, V.M.D.

7/19/89  
DATED:

Consent as to form and entry.

Sean Colquhoun  
SEAN F. COLQUHOUN, ESQUIRE  
Colquhoun and Colquhoun

DATED: